

## **REMARKS**

This submission with RCE is in response to the Final Action mailed June 8, 2010.

### **Amendments to the specification**

The Examiner objected to the amendment of 3/4/2010 as adding new matter in incorporating by reference documents PCT/JP2005/03809 and JP 2004-062160. As required by the Examiner, the incorporation by reference to those documents has been cancelled. All amendments made herein are being made without prejudice.

### **Amendments to the claims**

Claims 1-13 are pending in the present application. Claims 1-4 and 12 have been amended. Claims 8 and 9 have been cancelled. Support for the amendments can be found, for example, on pages 15 (Example 1), 17 (lines 12-19), and 18 (lines 11-22) of the application as originally filed. All amendments made herein are being made without prejudice. The Applicants reserve the right to re-introduce cancelled subject matter at a later time.

### **35 USC 103**

In the Action, the Examiner rejects the claims as being obvious over WO 03/022736 in view of JP 2002-307053, JP 60-122337, McGrath, Senkiw, Bunkin, and Aquarius. Applicants respectfully submit that the claims as amended overcome these rejections.

The Applicants submit that the claimed invention is directed to oxygen nanobubble water having unusual stability characteristics. The structural difference is explained as “*the oxygen nanobubble water has a stable structure such that if the oxygen nanobubble water is placed in a glass bottle and is stored in a cool, dark place the bubble size distribution will be maintained for at least one month*”. The Examiner states that “Bunkin et al. disclose that submicrobubbles can be stabilized by ions and that these ‘bubstons’ formed in water have a radii of approximately 1-10 nm (Page 208).” The Applicants point out that the claimed invention recites stable bubbles having a “*bubble size distribution with a*

*peak of about 150 nm*” which is significantly larger than the bubbles of Bunkin. Furthermore, the Applicants point out that Bunkin discloses that the bubstons could be used as bubble nuclei for optical cavitations, which easily expand to macroscopic size according to the changes in the environment and, therefore, do not possess the stability characteristics of the claimed invention.

In short, the Applicants submit that the cited prior art, individually or in combination, do not teach or suggest “*the oxygen nanobubble water has a stable structure such that if the oxygen nanobubble water is placed in a glass bottle and is stored in a cool, dark place the bubble size distribution will be maintained for at least one month*” as recited in the claims. The application and structure of the prior art nano/micro bubbles use short lifespans to diffuse the carried gas into the water. Since the object of the present invention is to prevent supersaturating the water, stable nanobubbles are used that keep the water unchanged for over a month.

Therefore, the Applicants respectfully request that the obviousness rejection be withdrawn from the claims.

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In view of the above, reconsideration and allowance of all the claims are respectfully solicited.

The Commissioner is authorized to charge any additional fees, which may be required or credit overpayment to deposit account no. 12-0415. In particular, if this RCE is not timely filed, then the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136 (a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 12-0415.

I hereby certify that this document is being transmitted to the Patent and Trademark Office via electronic filing.

September 8, 2010  
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(Date of Transmission)

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Respectfully submitted,

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